IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 6 OF 2007

MRS. MARIETTA D'COSTA E NUNES AND ANR., ... Appellants

Versus

MRS. LOURDES ALBUQUERQUE AND 6 ORS., ... Respondents

Shri Anthony D'silva, for the Appellant.

Mr. Valmiki Menezes, For R. 1 To 7.

Coram:- S.A. BOBDE, J.

Date:- 21st June, 2007

ORAL ORDER:

This is a Second Appeal, arising out of a suit for declaration that the gift deed dated 24.01.1972 from which the respondents derive title is void.

2. Both the courts below have dismissed the suit, on the ground that the deed was executed in the year 1972 and the appellants had knowledge about the execution of the gift deed on the date of its execution. Therefore the suit was dismissed on the ground that it has been filed after 26 years of the execution of the gift deed. The lower appellate Court has concurred with the finding of the trial Court in this regard.

3. The learned counsel for the appellants submitted that a substantial question of law arose in the matter, namely:- Whether the gift deed was void having been executed in contravention of Article 2177 of the Portuguese Civil Code 1867.

4. The learned counsel for the respondents is correct in submitting that no such question of law arises in the facts of the present case.

5. Since the suit has been dismissed on the ground of limitation, no substantial question of law arises on the question of limitation. In this view of the matter, the Second Appeal is dismissed.

S.A. BOBDE, J.

sl.